

### **Remarks**

In the office action dated September 11, 2003 the Examiner objected to the specification and claims 7 and 8, rejected claims 5-8 under 35 U.S.C. § 112, second paragraph, and claims 5-8 as being unpatentable under 35 U.S.C. § 103(a) over U.S. Patent No. 5,840,147 to Grimm (hereinafter Grimm) in view of U.S. Patent No. 5,151,149 to Swartz (hereinafter Swartz). By this amendment, Applicants' representative cancels claims 1-4 in response to the Restriction Requirement thereby affirming the election made telephonically on September 4, 2003, amends the specification and claims 5-7, and adds claims 9-13. The specification has been amended for consistency thereby obviating the objection. Support for the amendment to claims 5-7 and can be found, for example, on Figs. 1, 3 and 4, and in the specification on page 7, l. 10 through page 8, l. 30. Support for new claims 9-13 can be found, for example, in claim 5 as originally filed, on Figs. 1, 3 and 4 in the specification on page 7, l. 10 through page 8, l. 30. As such, no new matter has been added.

With respect to the Examiner's rejections, the Examiner is invited to consider the following remarks.

Regarding the objection to claims 7 and 8, and the rejection of claims 5-8 under 35 U.S.C. § 112, second paragraph, claims 5-7 have been amended to obviate the objection and rejection, and the objection and rejection should be withdrawn.

Regarding the rejection of 5-8 under 35 U.S.C. § 103, independent claim 1 has been amended to further provide an apparatus for staking the infrared-absorbing material. New independent claims 10 and 12 provide similar and additional limitations. The cited references, alone or in combination, fail to provide the features of the presently claimed invention.

In particular, Grimm is directed to a plastic joining method that directs polychromate, non-coherent electromagnetic radiation through a transmitting plastic to an absorbing material that absorbs the radiation with the generation of heat. (Grimm, Abstract).


Swartz is directed to an apparatus for joining of thermoplastic parts of indeterminate thickness to each other that is effected by application of heat to selected surface areas thereof by intense focused infrared heat lines produced by parabolic-elliptical-reflection heat sources displaced by a reciprocating linear actuator, removable by a robotic controller after completion of heating to enable immediate pushing together of the parts by further actuators for bonding. (Swartz, Abstract). As such, Swartz fails to cure the deficiencies of Grimm.

Regarding claims which depend from the independent claims, Applicants contend that these claims are patentable for at least the same reasons that the independent claims are patentable. Moreover, Applicants contend these claims recite further limitations, in addition to the limitations of the independent claims, which render these claims additionally patentable.

Consequently, in view of the above and in the absence of better art, Applicants' representative respectfully submits the application is in condition for allowance which allowance is respectfully requested. No fee is believed to be due for the filing of this paper. Please charge any additional fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978.

The Examiner is requested to telephone the undersigned to discuss prompt resolution of any remaining issues necessary to place this case in condition for allowance.

Respectfully submitted,  
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